

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**ASSOCIATION OF PROFESSIONAL  
BALL PLAYERS OF AMERICA,  
*Plaintiff,***

**v.**

**JENNIFER S. MADISON AND NATE  
MILLER AND DOES 1 – 25,  
*Defendants.***

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**Civil Action No. 4:23-cv-1037**

**DEFENDANT NATE MILLER'S ORIGINAL ANSWER**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COME NOW, NATE MILLER**, a Defendant in the above entitled and numbered cause, and file this, his Original Answer, and for same would respectfully show unto the Court as follows:

**I. ADMISSIONS AND DENIALS**

Defendant responds to the individually numbered paragraphs of Plaintiff's Original Complaint as follows:

**PARTIES**

1. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 1.
2. Defendant admits the allegations in Paragraph 2.
3. Defendant lacks knowledge or information sufficient to form a belief about the truth of Defendant Madison's residence and address, and Defendant denies the remaining allegations in Paragraph 3.

**JURISDICTION AND VENUE**

4. Defendant admits the allegations in Paragraph 4.
5. Defendant admits the Court has personal jurisdiction over him, but otherwise denies the

remaining allegations in Paragraph 5.

6. Defendant admits the Court has personal jurisdiction over him, but otherwise denies the remaining allegations in Paragraph 6.

**FACTS COMMON TO ALL CLAIMS**

7. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 7.

8. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8.

9. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 9.

10. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 10.

11. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 11.

12. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 12.

13. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 13.

14. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14.

15. Defendant denies the allegations in Paragraph 15.

16. Defendant denies the allegations in Paragraph 16.

**CLAIM ONE: INFRINGEMENT OF FEDERALLY REGISTERED TRADEMARK**

- 17. Defendant denies the allegations in Paragraph 17.
- 18. Defendant denies the allegations in Paragraph 18.
- 19. Defendant denies the allegations in Paragraph 19.
- 20. Defendant denies the allegations in Paragraph 20.
- 21. Defendant denies the allegations in Paragraph 21.

**CLAIM TWO: INFRINGEMENT OF COMMON LAW RIGHTS IN TRADEMARKS  
AND TRADE NAME**

- 22. Defendant denies the allegations in Paragraph 22.
- 23. Defendant denies the allegations in Paragraph 23.
- 24. Defendant denies the allegations in Paragraph 24.

**CLAIM THREE: VIOLATION OF THE TEXAS ANTI-DILUTION STATUTE**

- 25. Paragraph 25 does not contain any specific allegations which require an answer.
- 26. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 26.
- 27. Defendant denies the allegations in Paragraph 27.
- 28. Defendant denies the allegations in Paragraph 28.

**CLAIM FOUR: FALSE DESIGNATION OF ORIGIN UNDER 15 U.S.C. §1125(a)**

- 29. Defendant denies the allegations in Paragraph 29.
- 30. Defendant denies the allegations in Paragraph 30.

**CLAIM FIVE: INJURY TO BUSINESS REPUTATION OR TRADEMARKS**

- 31. Defendant denies the allegations in Paragraph 31.
- 32. Defendant denies the allegations in Paragraph 32.

**CLAIM SIX: COMMON LAW UNFAIR COMPETITION**

- 33. Defendant denies the allegations in Paragraph 33.

**INJUNCTIVE RELIEF**

34. Defendant denies the allegations in Paragraph 34.

35. Defendant denies the allegations in Paragraph 35.

**II. AFFIRMATIVE DEFENSES**

36. Defendant affirmatively pleads the doctrines of fair use and collateral use.

37. Defendant affirmatively pleads the defense of estoppel.

38. Defendant affirmatively pleads that Plaintiff failed to mitigate its damages, if any.

**III. JURY DEMAND**

39. Defendant demands a jury trial in accordance with Federal Rule of Civil Procedure 38 and the Seventh Amendment of the United States Constitution.

**PRAYER**

**WHEREFORE PREMISES CONSIDERED,** Defendant prays that Plaintiff take nothing by its suit, that Defendant goes hence with his costs without delay, and for such other and further relief, both general and special, at law or in equity, to which Defendant may show himself justly entitled.

Respectfully submitted,

**THE PETERS FIRM, PLLC**

*/s/ Drew T. Peters*

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**DREW T. PETERS**

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**ATTORNEY FOR DEFENDANT  
NATE MILLER**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been electronically served via the Court's CM/ECF system upon all counsel or parties of record in this proceeding on January 30, 2024.

*/S/ Drew T. Peters*

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**DREW T. PETERS**